

REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided, for the indication that the drawings are acceptable, and for the acknowledgment of Applicants' Claim for Priority and receipt of the certified copy of the priority document in the Official Action.

Claims 1-3 are currently pending. Applicants respectfully request reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

On pages 2 and 3 of the Official Action, claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by TAKATA (U.S. Patent No. 5,031,968).

Applicants respectfully traverse the rejection of claim 1 under 35 U.S.C. § 102(b).

Claim 1 as currently amended includes, inter alia, “a push rod connected to the brake pedal and movable between a first position spaced from the spool and a second position contacting the spool, wherein the push rod moves in response to the stroke of the brake pedal in order to contact and push the spool; wherein the proportional pressure controller controls the pressure of the pressurized braking liquid in accordance with the stroke signal and free from the motion of the push rod before the push rod contacts and pushes the spool, and in accordance with the stroke signal and the motion of the push rod after the push rod contacts and pushes the spool.”

As an initial matter, Applicants submit that in the system of TAKATA the push rod 8 is only disclosed as contacting the spool 9 when there is a failure within the braking system (i.e., a failure in the dynamic pressure line). Note the Abstract, lines 6-9; column 6, lines 9-20; column 8, lines 1-9. Further, in regard to column 9, line 60 through column 10, line 8 of TAKATA, Applicants note that this portion describes the purpose of the limit valve 18, and a condition which would occur if the limit valve 18 were not provided. In particular, this portion of TAKATA describes how, under an excessive treading force, the push rod 8 would contact the spool 9 and create undue pressure resulting in brakes locking, however the limit valve 18 prevents such undue pressure and locking. Accordingly, Applicants submit that under normal operating conditions the push rod 8 of TAKATA does not move between positions *spaced from* the spool 9 and *contacting* the spool 9. In contrast, note for example the push rods 118 and 118a shown in the embodiments of Figs. 9(a) and 9(b) of the present application.

Further, even if the push rod 8 contacts the spool 9 under some system failure condition in the system of TAKATA, Applicants submit that there is no time during which the proportional pressure controller controls the pressure of the pressurized braking liquid in accordance with *only* the stroke signal, and free from the motion of the push rod, as is recited in claim 1. In this regard, Applicants submit that since movement of the push rod 8 directly effects the volume of the dynamic pressure chamber 7 and the pressure of the fluid therein, there is no time during which the proportional pressure controller controls the pressure of the pressurized braking liquid in accordance with *only* the stroke signal in the

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system of TAKATA. In this regard, Applicants note that claim 1 clearly recites that the proportional pressure controller controls the pressure of the pressurized braking liquid in accordance with the stroke signal *and free from the motion of the push rod* before the push rod contacts and pushes the spool.

Applicants further submit that, after the push rod 8 contacts the spool 9 under some system failure condition in the system of TAKATA, it appears that the proportional pressure controller would no longer control the pressure of the pressurized braking liquid in accordance with the stroke signal, since there would have been a failure in the dynamic pressure line, as explained above. Accordingly, it would appear that after such a failure, the pressure of the liquid is controlled only in accordance with the motion of the push rod 8 (i.e., by contacting the spool 9), rather than in accordance with both the stroke signal and the motion of the push rod.

Applicants respectfully submit that the rejection of claim 1 under 35 U.S.C. § 102(b) is improper at least for each and certainly for all of the above-noted reasons. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection and an early indication of the allowance of this claim.

On page 3 of the Official Action, claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over TAKATA (U.S. Patent No. 5,031,968) in view of LEIBER et al. (U.S. Patent No. 4,603,918).

Applicants respectfully traverse the rejection of claims 2 and 3 under 35 U.S.C. § 103(a).

Applicants initially submit that the teachings of LEIBER et al. do not cure the above-noted deficiencies in the teachings of TAKATA. Applicants further submit that claims 2 and 3, which are at least patentable due to their respective dependencies from claim 1, for the reasons noted above, recite additional features of the invention and are also separately patentable over the prior art of record.

In this regard, Applicants submit that the modifications suggested by the Examiner would not have been obvious to one of ordinary skill in the art, particularly since they would effectively destroy the teachings of TAKATA with respect to the disclosed benefits of its braking system and the operation of push rod 8 therein. In this regard, Applicants submit that TAKATA effectively acknowledged and dismissed the use of such a spring at column 1, lines 58-68, thus teaching away from the modification suggested by the Examiner.

Accordingly, Applicants respectfully submit that the rejection of claims 2 and 3 under 35 U.S.C. § 103(a) is improper at least for each and certainly for all of the above-noted reasons. Applicants respectfully request reconsideration and withdrawal of the rejection and an early indication of the allowance of these claims.


SUMMARY AND CONCLUSION

Reconsideration of the outstanding Official Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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